



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VAN OPHEM & VANOPHEM, PC
REMY J VANOPHEM, PC
51543 VAN DYKE
SHELBY TOWNSHIP MI 48316-4447

COPY MAILED

JAN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Braxton	:	
Application No. 10/034,720	:	ON PETITION
Filed: December 28, 2001	:	
Attorney Docket No. NMC104A US	:	
For: PORTABLE TOILET SHELTER	:	
HAVING IMPROVED STACKABILITY	:	

This is a decision on the petition under 37 CFR 1.181, filed July 6, 2007 (certificate of mailing date July 2, 2007), requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to seek court review of the Board of Patent Appeals and Interferences Decision on Appeal within two months of the March 28, 2007 decision on appeal. The Office contended this application became abandoned on May 29, 2007. A Notice of Abandonment was mailed on June 11, 2007.

Petitioner argues that the application did not become abandoned because a Request for Rehearing was filed on certificate of mailing date May 29, 2007 (May 28, 2007 being a federal holiday), which was within the two month period for action.

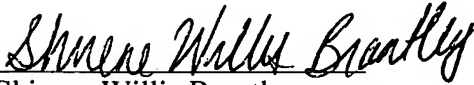
37 CFR 41.52 (a)(1) states, "Appellant may file a single request for rehearing within two months of the date of the original decision of the Board."

A review of the application file reveals that a Request for Rehearing was received in the Office on May 31, 2007. A proper certificate of mailing dated May 29, 2007 is affixed to the Request for Rehearing.

Accordingly, the petition under 37 CFR 1.181 is granted, the holding of abandonment is withdrawn, and the June 11, 2007 Notice of Abandonment is vacated. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to the Board of Patent Appeals and Interferences for consideration of the Request for Rehearing under 37 CFR 41.52, filed May 31, 2007 (certificate of mailing date May 29, 2007).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy